

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER OF THE  
STATE BAR OF ARIZONA,**

**JOHN THOMAS POLK,  
Bar No. 029962**

**Respondent.**

**PDJ 2023-9023**

**FINAL JUDGMENT AND ORDER**

[State Bar File No. 22-1592]

**FILED APRIL 7, 2023**

The Presiding Disciplinary Judge accepted the parties' Agreement for Discipline by Consent submitted pursuant to Rule 57(a), Ariz. R. Sup. Ct.

**IT IS THEREFORE ORDERED** that John Thomas Polk, Bar No. 029962, is suspended for ninety days for his conduct in violation of the Arizona Rules of Professional Conduct, effective 30 days from the date of this order.

**IT IS FURTHER ORDERED** that, upon reinstatement, Respondent is placed on probation for a period of 18 months with the following terms:

1. LOMAP (Full Assessment): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days of his reinstatement to schedule an initial Law Office Management Assistance Program (LOMAP) assessment meeting. Respondent must participate in the LOMAP assessment and must complete all follow up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent shall sign terms and conditions of participation in LOMAP, including reporting requirements, which will be incorporated into this

judgment and order. Respondent is responsible for all costs associated with LOMAP.

2. CLE: In addition to annual MCLE requirements, Respondent must complete six hours of Continuing Legal Education ("CLE") programs within 90 days of his reinstatement, including completion of the following programs: (a) "CLE Snippet: Top Tips for Keeping Your Law Practice Organized with Practice Management Software," Credits: 0.25 CLE; 0.25 Ethics; and (b) "How to Better Manage Your Workload: Task/Deadline Management & Work Life Balance," Credits: 1 CLE; 1 Ethics; the remaining CLE programs needed to complete six total hours of additional CLE must be pre-approved by bar counsel. Respondent must provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing or attending the CLE programs. Respondent should contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent is responsible for the cost of the CLE programs.
3. Respondent shall commit no further violations of the Rules of Professional Conduct or Rules of the Supreme Court.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72, Ariz. R. Sup. Ct., Respondent shall comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 within 30 days. There are no costs or expenses incurred by the office of the Presiding Disciplinary Judge in these proceedings.

**DATED** this 7<sup>th</sup> day of April, 2023.

Margaret H. Downie  
**Margaret H. Downie**  
**Presiding Disciplinary Judge**

Copy of the foregoing emailed  
this 7<sup>th</sup> day of April, 2023 to:

James D. Lee  
[LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

John Thomas Polk  
[jpolk@polklawfirm.com](mailto:jpolk@polklawfirm.com)

by: SHunt

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

**IN THE MATTER OF A MEMBER OF THE  
STATE BAR OF ARIZONA,**

**JOHN THOMAS POLK,  
Bar No. 029962**

**Respondent.**

**PDJ 2023-9023**

**DECISION ACCEPTING  
AGREEMENT FOR DISCIPLINE BY  
CONSENT**

[State Bar File No. 22-1592]

**FILED APRIL 7, 2023**

On March 23, 2023, the parties filed an Agreement for Discipline by Consent ("Agreement") pursuant to Rule 57(a), Ariz. R. Sup. Ct. The State Bar of Arizona is represented by Senior Bar Counsel James D. Lee. Respondent John Thomas Polk is self-represented. The Agreement resolves a matter for which a probable cause order has issued but no formal complaint has been filed.

Contingent on approval of the proposed form of discipline, Mr. Polk has voluntarily waived his right to an adjudicatory hearing, as well as all motions, defenses, objections, or requests that could be asserted. As required by Rule 53(b)(3), Ariz. R. Sup. Ct., notice of the Agreement was sent to the complainant. No objection has been provided to the Presiding Disciplinary Judge (PDJ).

The Agreement details a factual basis in support of Mr. Polk's conditional admissions and is incorporated by reference. *See* Rule 57(a)(4), Ariz. R. Sup. Ct. Mr. Polk conditionally admits violating Rule 42, Ariz. R. Sup. Ct., ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.5(b) and (d)(3), ER 3.2, and ER 8.4(c) and (d). As a sanction, the parties agree to

a 90-day suspension, 18 months' probation upon reinstatement, and payment of costs to the State Bar.

The Agreement describes in detail the underlying misconduct. Generally speaking, Mr. Polk failed to diligently pursue a client's probate matter or adequately communicate with the client. He then lied to the client – asserting he had filed certain matters with the court when he had not. He also failed to provide a writing to the client in compliance with ER 1.5(b).

Sanctions imposed against lawyers are determined in accordance with the American Bar Association *Standards for Imposing Lawyer Sanctions* (ABA Standards). Rule 58(k), Ariz. R. Sup. Ct. In fashioning a sanction, the PDJ considers: (1) the duty violated; (2) the lawyer's mental state; (3) the actual or potential injury caused by the lawyer's misconduct; and (4) the existence of aggravating or mitigating factors. ABA Standard 3.0.

Mr. Polk violated duties owed to his client, the legal system, and the legal profession. He knowingly failed to promptly file documents on behalf of his client and then affirmatively lied to her about his actions. The potential for significant harm existed, and the client suffered unnecessary delays and stress due to Mr. Polk's conduct.

The parties agree that the presumptive sanction under the ABA Standards is suspension based on the following:

- Standard 4.42 - Suspension is generally appropriate when (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

- Standard 4.62 - Suspension is generally appropriate when a lawyer knowingly deceives a client and causes injury or potential injury to the client.

Two aggravating factors apply: (1) dishonest or selfish motive; and (2) substantial experience in the practice of law. Three mitigating factors exist: (1) absence of prior disciplinary record; (2) timely good faith effort to make restitution or to rectify the consequences of his misconduct (Mr. Polk has refunded all fees paid by the client); and (3) full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings.

Although the misconduct at issue is serious – particularly the dishonesty toward the client – Mr. Polk has no prior disciplinary history, and the agreed-upon suspension and terms of probation should adequately protect the public and deter Mr. Polk and others from engaging in similar misconduct in the future.

**IT IS ORDERED** accepting the Agreement. A final judgment and order is signed this date.

**DATED** this 7<sup>th</sup> day of April, 2023.

Margaret H. Downie  
**Margaret H. Downie**  
**Presiding Disciplinary Judge**

Copy of the foregoing emailed  
this 7<sup>th</sup> day of April, 2023, to:

James D. Lee  
[LRO@staff.azbar.org](mailto:LRO@staff.azbar.org)

John Thomas Polk  
[jpolk@polklawfirm.com](mailto:jpolk@polklawfirm.com)

by: SHunt

James D. Lee, Bar No. 011586  
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Telephone: (928) 925-6741  
Email: JPOLK@POLKLAWFIRM.COM  
Respondent

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

In the Matter of a Member of  
the State Bar of Arizona,

**JOHN THOMAS POLK,**  
Bar No. 029962,

Respondent.

**PDJ 2023-**9023

**AGREEMENT FOR DISCIPLINE  
BY CONSENT**

[State Bar File No. 22-1592]

The State Bar of Arizona, and Respondent John Thomas Polk, who has chosen not to seek the assistance of counsel, hereby submit their Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct. A probable cause order was entered on February 13, 2023, but no formal complaint has been filed in

this matter. Respondent voluntarily waives his right to an adjudicatory hearing, unless otherwise ordered, and waives all motions, defenses, objections or requests which have been made or raised, or could be asserted hereafter, if the conditional admission and proposed form of discipline is approved.

Pursuant to Rule 53(b)(3), Ariz. R. Sup. Ct., notice of this agreement was provided to Cynthia Van Hook by email on March 10, 2023. Ms. Van Hook was notified that she may file with the State Bar a written objection to the agreement within five business days of bar counsel's notice. No objection has been received.

Respondent conditionally admits that his conduct, as set forth below, violated Rule 42, ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.5(b) and (d)(3), ER 3.2, and ER 8.4(c) and (d). Upon acceptance of this agreement, Respondent agrees to accept imposition of the following discipline: **90-day suspension** and, upon reinstatement, **probation for 18 months** (the terms of probation require Respondent's participation in the State Bar's Law Office Management Assistance Program and completion of six hours of CLE in addition to the requirements of MCLE, including: (a) "CLE Snippet: Top Tips for Keeping Your Law Practice Organized with Practice Management Software," Credits: 0.25 CLE; 0.25 Ethics; and (b) "How to Better Manage Your Workload: Task/Deadline Management & Work Life Balance," Credits: 1 CLE; 1 Ethics; the remaining CLE courses needed



to complete six total hours of additional CLE must be pre-approved by bar counsel). Respondent also agrees to pay the costs and expenses of the disciplinary proceeding, within 30 days from the date of this order. If costs are not paid within the 30 days, interest will begin to accrue at the legal rate.<sup>1</sup> The State Bar's Statement of Costs and Expenses is attached hereto as Exhibit A.

## **FACTS**

### **GENERAL ALLEGATIONS**

1. Respondent was licensed to practice law in Arizona on January 15, 2013.

#### **COUNT ONE (File No. 22-1592/Van Hook)**

2. On March 3, 2022, Cynthia Van Hook hired Respondent to pursue the entry of an emergency guardianship/conservatorship order that would grant her the authority to handle her mother's (Julia Puhl's) affairs. At that time, Ms. Van Hook paid Respondent \$1,500 for the representation, which Respondent deposited into his law firm's operating account; shortly thereafter, he disbursed the funds to himself. Respondent intended his fee to be a flat fee, earned upon receipt, that

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<sup>1</sup> Respondent understands that the costs and expenses of the disciplinary proceeding include the costs and expenses of the State Bar of Arizona, the Disciplinary Clerk, the Probable Cause Committee, the Presiding Disciplinary Judge and the Supreme Court of Arizona.

would cover the entire representation, but he did not provide Ms. Van Hook with an ER 1.5(b) writing at that time or any time thereafter.

3. Also on March 3, 2022, Respondent provided Ms. Van Hook with various documents she needed to sign and have notarized.

4. On March 4, 2022, Ms. Van Hook signed the following documents before a notary public and delivered them to Respondent the same day: (a) a “Probate Information Form for Guardianship/Conservatorship”; (b) a “Petition for Temporary Appointment of Guardian and Conservator and Emergency Appointment without Notice Requested”; (c) a “Notice of Hearing Regarding Temporary Appointment of Guardianship and Conservatorship”; and (d) an “Order to Guardian and Conservator for an Adult.”

5. On April 26, 2022, Ms. Van Hook sent a text message to Respondent requesting an update on the status of her matter because he had initially informed her that the matter would be completed in approximately 30 days.

6. Respondent responded on April 27, 2022, stating, “Hi Cindy, will reach out to the court again today.” That same day, Respondent sent another text message to Ms. Van Hook stating: “Good afternoon, registrar said it’s still pending[,] but we should have an answer tomorrow afternoon.or [sic] Friday morning. Will keep you posted.”

7. Ms. Van Hook sent a text message to Respondent on May 6, 2022, requesting a case status update. Respondent failed to respond.

8. On May 9, 2022, Ms. Van Hook sent another text message to Respondent stating she was awaiting an update regarding the status of her case.

9. On May 11, 2022, Respondent responded by text message, stating: “Good evening. I’m so sorry[,] but it’s still pending. I’m trying to see if there is anything I can do to speed things up[,] but we are at the mercy of the court. Also, sorry for the delayed response. I have been under the weather. I’m going to keep trying on my end and will let you know as soon as I hear anything.”

10. On May 20, 2022, Ms. Van Hook sent a text message to Respondent stating she was frustrated because her mother’s health was declining, and she needed the guardianship/conservatorship matter addressed as soon as possible.

11. On May 23, Respondent responded, stating he would call her at 1:00 p.m. to discuss the matter. Respondent, however, failed to place that call.

12. Ms. Van Hook called Respondent several days later. She stated he told her that he had done all he could.

13. On June 21, 2022, Ms. Van Hook sent a text message to Respondent requesting an update on the status of her case. Respondent failed to respond.

14. Ms. Van Hook sent another text message to Respondent on June 23, 2022. In response, Respondent stated he was heading to court in the morning and would call her thereafter.

15. On June 27, 2022, Ms. Van Hook sent a text message to Respondent requesting the case number assigned to her guardianship/conservatorship case.

16. On June 28, 2022, Respondent sent a text message to Ms. Van Hook stating: “Good morning. The petition for emergency conservatorship has been denied. The next step is a full conservatorship proceeding. I recommend contacting a law firm that specializes in conservatorship proceedings. This is [an] unfortunate outcome[,] and I will return the prepaid fee by mail.” On that date, Ms. Van Hook requested a copy of the documents that had been filed with the court.

17. On June 29, 2022, Ms. Van Hook sent a text message to Respondent requesting that her daughter be allowed to retrieve the check (for reimbursement of the fees she had paid) and documents from his office. On that same date, Respondent sent a text message to Ms. Van Hook, stating, “I am out of office until 7/6/22[,] I can have them ready for pickup then. The check is already in the mail.”

18. On July 11, 2022, Ms. Van Hook sent a text message to Respondent stating she never received the check or her file. She stated she would retrieve the

check and a copy of her file from his office on July 12, 2022. Respondent failed to respond to that text message.

19. On July 13, 2022, Ms. Van Hook sent another text message to Respondent stating her daughter was going to retrieve the documents and check the next day. Respondent failed to respond to that text message.

20. Thereafter, Ms. Van Hook called Respondent's office and was told there was an envelope at the front desk for her.

21. On July 14, 2022, Respondent issued a personal check, rather than a trust account check, to Ms. Van Hook for \$1,500.

22. On July 15, 2022, Ms. Van Hook's daughter retrieved the refund check and Ms. Van Hook's original documents from Respondent's office.

23. On July 21, 2022, Ms. Van Hook sent a text message to Respondent requesting a copy of the documents he had filed with the court and a copy of the court's ruling. Respondent failed to respond to that request.

24. Ms. Van Hook then contacted the court, at which time she was informed that Respondent had not filed anything on her behalf or her mother's behalf.

25. On July 25, 2022, Ms. Van Hook filed the following documents that had previously been prepared by Respondent: (a) a "Petition for Temporary

Appointment of Guardian and Conservatorship”; (b) a “Probate Cover Sheet”; (c) an “Affidavit of Person to be Appointed Guardian or Conservatorship”; (d) a “Waiver of Notice and Waiver of Service Member’s Civil Relief Act (SCRA) Rights”; and (e) a “Declaration of Completion of Training for Non-Licensed Fiduciaries.”

26. Later on July 25, 2022, Maricopa County Superior Court Judge Vanessa Smith issued a minute entry order (which was entered by the Clerk’s Office on July 26, 2022) stating the Court had considered Ms. Van Hook’s “Emergency Petition for Temporary Appointment of Guardian and Conservator Without Notice.” Judge Smith found that the petition failed to allege or establish the existence of an emergency as required for the appointment of a temporary guardian under A.R.S. § 14-5310(A) and failed to meet the requirements of appointment without notice under A.R.S. § 14-5310(B). Judge Smith denied Ms. Van Hook’s petition without prejudice. The court recommended that if Ms. Van Hook were to refile the petition, she should visit the Court’s self-service website, where she could find forms and instructions that might be useful. The minute entry order included a Uniform Resource Locator (URL) for the website containing general probate forms. In addition, the minute entry order noted that Ms. Van Hook may also wish to contact the Probate Lawyers Assistance Project to request a

brief consultation with a probate attorney prior to filing a new petition requesting the same or similar relief. That order also included several other sources of information or assistance for Ms. Van Hook.

27. Ms. Van Hook did not thereafter file another guardianship or conservatorship petition regarding her mother.

### **CONDITIONAL ADMISSIONS**

Respondent's admissions are being tendered in exchange for the form of discipline stated below and are submitted freely and voluntarily and not as a result of coercion or intimidation. Respondent conditionally admits that he violated Rule 42, Ariz. R. Sup. Ct., specifically ER 1.2(a), ER 1.3, ER 1.4(a) and (b), ER 1.5(b) and (d)(3), ER 3.2, and ER 8.4(c) and (d).

### **CONDITIONAL DISMISSALS**

There are no conditional dismissals.

### **RESTITUTION**

Restitution is not an issue in this matter because Respondent has refunded to Ms. Van Hook the \$1,500 fee that she had paid.

## **SANCTION**

Respondent and the State Bar of Arizona agree that based on the facts and circumstances of this matter, as set forth above, the following sanctions are appropriate: **Suspension of ninety (90) days, and probation for 18 months upon reinstatement.** The terms of probation will consist of:

1. LOMAP (FULL ASSESSMENT): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days after he is reinstated to the practice of law in Arizona to schedule an initial Law Office Management Assistance Program (LOMAP) assessment meeting. Respondent must participate in the LOMAP assessment and must complete all follow up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent will sign terms and conditions of participation in LOMAP, including reporting requirements, which will be incorporated into an order accepting this agreement. Respondent will be responsible for all costs associated with LOMAP.
2. CLE: In addition to the annual MCLE requirements, Respondent must complete six hours of Continuing Legal Education (“CLE”) programs within 90 days from the date he is reinstated to the practice of law in



Arizona, including completion of the following programs: (a) “CLE Snippet: Top Tips for Keeping Your Law Practice Organized with Practice Management Software,” Credits: 0.25 CLE; 0.25 Ethics; and (b) “How to Better Manage Your Workload: Task/Deadline Management & Work Life Balance,” Credits: 1 CLE; 1 Ethics; the remaining CLE programs needed to complete six total hours of additional CLE must be pre-approved by bar counsel. Respondent must provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing or attending the CLE programs. Respondent should contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE programs.

Respondent shall commit no further violations of the Rules of Professional Conduct.

## **EFFECT OF NON-COMPLIANCE**

If Respondent fails to comply with any of the foregoing probation terms and the State Bar of Arizona receives information thereof, Bar Counsel will file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether Respondent breached a term of probation and, if so, to recommend an appropriate sanction. If the State Bar alleges that Respondent failed to comply with any of the foregoing terms, the burden of proof will be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

If Respondent violates any of the terms of this agreement, the State Bar may bring further discipline proceedings.

## **LEGAL GROUNDS IN SUPPORT OF SANCTION**

In determining an appropriate sanction, the parties consulted the American Bar Association's *Standards for Imposing Lawyer Sanctions* (*Standards*) pursuant to Rule 57(a)(2)(E), Ariz. R. Sup. Ct. The *Standards* are designed to promote consistency in the imposition of sanctions by identifying relevant factors that courts should consider and then applying those factors to situations where lawyers have engaged in various types of misconduct. *Standard 1.3, In re Pappas*, 159

Ariz. 516, 768 P.2d 1161 (1988). The *Standards* provide guidance with respect to an appropriate sanction in this matter.

In determining an appropriate sanction, the Court considers the duty violated, the lawyer's mental state, the actual or potential injury caused by the misconduct and the existence of aggravating and mitigating factors. *Standard 3.0*.

The parties agree that the following *Standards* are the most appropriate *Standards* given the facts and circumstances of this matter:

*Standard 4.42* – Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or (b) a lawyer engages in a pattern of neglect and causes injury to potential injury to a client. In this case, Respondent failed to act with reasonable diligence and promptness in representing Cynthia Van Hook, failed to adequately communicate with Ms. Van Hook, failed to communicate to Ms. Van Hook in writing the scope of representation and the basis or rate of his fee and the expenses for which she would be responsible, failed to advise Ms. Van Hook that his fee was deemed “earned upon receipt” and that she may nevertheless discharge him at any time, in which case she may be entitled to a refund of all or part of the

fee based upon the value of the representation, and failed to make reasonable efforts to expedite litigation consistent with Ms. Van Hook's interests.

*Standard 4.62* – Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client. Respondent engaged in conduct involving dishonestly, fraud deceit, or misrepresentation by misrepresenting to Cynthia Van Hook the status of her case.

**The duty violated**

Respondent violated his duties to his client, the legal profession and the legal system.

**The lawyer's mental state**

Respondent knowingly failed to promptly file the documents that Cynthia Van Hook wanted filed (drafts of which he had prepared) and knowingly falsely reported to her that he had filed them with the court.

**The extent of the actual or potential injury**

Although there is no actual injury other than delay in the processing of Ms. Van Hook's desire to obtain court authorization to act as her mother's guardian and conservator, injury could have resulted had Ms. Van Hook needed legal documentation of her authority to act as her mother's guardian or conservator.

### **Aggravating and mitigating circumstances**

The presumptive sanction is suspension. The parties conditionally agree that the following aggravating and mitigating factors should be considered:

#### Factors in aggravation:

*Standard 9.22(b)* – Dishonest or selfish motive; and

*Standard 9.22(i)* – Substantial experience in the practice of law (Respondent was admitted to practice law in Arizona on January 15, 2013).

#### Factors in mitigation:

*Standard 9.23(a)* – Absence of a prior disciplinary record;

*Standard 9.23(d)* – Timely good faith effort to make restitution or to rectify the consequences of his misconduct; and

*Standard 9.23(e)* – Full and free disclosure to the disciplinary board or cooperative attitude toward the proceedings.

### **Discussion**

Based on the relatively equivalent nature of factors in aggravation and mitigation, the presumptive sanction of suspension should be imposed. In an attempt to educate Respondent regarding his ethical responsibilities, he should be placed on probation for a period of 18 months following his reinstatement to the practice of law in Arizona.

Based on the *Standards* and in light of the facts and circumstances of this matter, the parties conditionally agree that the sanction set forth above is within the range of appropriate sanctions and will serve the purposes of lawyer discipline.

### **CONCLUSION**

The object of lawyer discipline is not to punish the lawyer, but to protect the public, the profession and the administration of justice. In re *Peasley*, 208 Ariz. 27 (2004). Recognizing that determination of the appropriate sanction is the prerogative of the Presiding Disciplinary Judge, the State Bar and Respondent believe that the objectives of discipline will be met by the imposition of the proposed sanction of suspension with probation and the imposition of costs and expenses. A proposed form of order is attached hereto as Exhibit B.

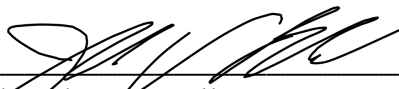
**DATED** this 23rd day of March, 2023.

### **STATE BAR OF ARIZONA**

/s/James D. Lee  
James D. Lee  
Senior Bar Counsel

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement, and I understand these duties include (a) notification of my suspension to clients, opposing counsel and the courts; (b) the return of property to clients; and (c) other duties related to suspension from the practice of law, including those set forth in Rule 70, Ariz. R. Sup Ct.**

**DATED** this 17th day of March, 2023.

  
\_\_\_\_\_  
John Thomas Polk  
Respondent

Approved as to form and content

\_\_\_\_\_  
Maret Vessella  
Chief Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this \_\_\_\_\_ day of March, 2023.

Copy of the foregoing emailed  
this \_\_\_\_\_ day of March, 2023, to:

The Honorable Margaret H. Downie  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
Email: officepdj@courts.az.gov

**This agreement, with conditional admissions, is submitted freely and voluntarily and not under coercion or intimidation. I acknowledge my duty under the Rules of the Supreme Court with respect to discipline and reinstatement, and I understand these duties include (a) notification of my suspension to clients, opposing counsel and the courts; (b) the return of property to clients; and (c) other duties related to suspension from the practice of law, including those set forth in Rule 70, Ariz. R. Sup Ct.**

**DATED** this \_\_\_\_\_ day of March, 2023.

---

John Thomas Polk  
Respondent

Approved as to form and content

/s/Maret Vessella  
Maret Vessella  
Chief Bar Counsel

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this 23rd day of March, 2023.

Copy of the foregoing emailed  
this 23rd day of March, 2023, to:

The Honorable Margaret H. Downie  
Presiding Disciplinary Judge  
Supreme Court of Arizona  
1501 West Washington Street, Suite 102  
Phoenix, Arizona 85007  
Email: officepdj@courts.az.gov



John Thomas Polk, Bar No. 029962  
Polk Law Firm, PLLC  
20 East Thomas Road, Suite 2200  
Phoenix, Arizona 85012-3133  
Email: JPOLK@POLKLAWFIRM.COM  
Respondent

Copy of the foregoing hand-delivered  
this 23rd day of March, 2023, to:

Lawyer Regulation Records Manager  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266

by: /s/Jackie Brokaw  
JDL/jlb

# **EXHIBIT A**

## Statement of Costs and Expenses

In the Matter of a Member of  
The State Bar of Arizona, John Thomas Polk  
Bar No. 029962, Respondent.

File No. 22-1592

### **Administrative Expenses**

The Supreme Court of Arizona has adopted a schedule of administrative expenses to be assessed in lawyer discipline. If the number of charges/complainants exceeds five, the assessment for the general administrative expenses shall increase by 20% for each additional charge/complainant where a violation is admitted or proven.

Factors considered in the administrative expense are time expended by staff bar counsel, paralegal, secretaries, typists, file clerks and messenger; and normal postage charges, telephone costs, office supplies and all similar factors generally attributed to office overhead. As a matter of course, administrative costs will increase based on the length of time it takes a matter to proceed through the adjudication process.

***General Administrative Expenses  
for above-numbered proceedings***

**\$1,200.00**

Additional costs incurred by the State Bar of Arizona in the processing of this disciplinary matter, and not included in administrative expenses, are itemized below.

### **Additional Costs**

Total for additional costs \$ 0.00

**TOTAL COSTS AND EXPENSES INCURRED** **\$ 1,200.00**

## **EXHIBIT B**

**BEFORE THE PRESIDING DISCIPLINARY JUDGE**

In the Matter of a Member of  
the State Bar of Arizona,

**JOHN THOMAS POLK,**  
Bar No. 029962,

Respondent.

**PDJ -2023**\_\_\_\_\_

**FINAL JUDGMENT  
AND ORDER**

[State Bar No. 22-1592]

The Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent pursuant to Rule 57(a), Ariz. R. Sup. Ct., accepts the parties' proposed agreement.

Accordingly:

**IT IS ORDERED** that Respondent **John Thomas Polk** is suspended for ninety (90) days for conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents, effective 30 days from the date of this order.

**IT IS FURTHER ORDERED** that, upon reinstatement, Respondent shall be placed on probation for a period of eighteen (18) months, **the terms of which consist of:**

1. LOMAP (FULL ASSESSMENT): Respondent shall contact the State Bar Compliance Monitor at (602) 340-7258, within 10 days after he is reinstated to the practice of law in Arizona to schedule an initial Law Office Management Assistance Program (LOMAP) assessment meeting. Respondent must participate in the LOMAP assessment and must complete all follow up deemed necessary by LOMAP, including any needed follow-up meetings throughout the period of participation. Respondent will sign terms and conditions of participation in LOMAP, including reporting requirements, which will be incorporated into this judgment and order. Respondent will be responsible for all costs associated with LOMAP.
2. CLE: In addition to annual MCLE requirements, Respondent must complete six hours of Continuing Legal Education (“CLE”) programs within 90 days from the date he is reinstated to the practice of law in Arizona, including completion of the following programs: (a) “CLE Snippet: Top Tips for Keeping Your Law Practice Organized with Practice Management Software,” Credits: 0.25 CLE; 0.25 Ethics; and (b) “How to Better Manage Your Workload: Task/Deadline Management & Work Life Balance,” Credits: 1 CLE; 1 Ethics; the remaining CLE

programs needed to complete six total hours of additional CLE must be pre-approved by bar counsel. Respondent must provide the State Bar Compliance Monitor with evidence of completion of the program by providing a copy of (a) his handwritten notes; or (b) typed or electronic notes, accompanied by a declaration, statement or affidavit that complies with Civil Rule 80(c), and which states he personally typed the notes while viewing or attending the CLE programs. Respondent should contact the Compliance Monitor at (602) 340-7258 to make arrangements to submit this evidence. Respondent will be responsible for the cost of the CLE programs.

Respondent shall commit no further violations of the Rules of Professional Conduct.

**IT IS FURTHER ORDERED** that, pursuant to Rule 72, Ariz. R. Sup. Ct., Respondent shall immediately comply with the requirements relating to notification of clients and others.

**IT IS FURTHER ORDERED** that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$1,200.00 within 30 days from the date of service of this Order.

**IT IS FURTHER ORDERED** that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \$\_\_\_\_\_, within 30 days from the date of service of this Order.

**DATED** this \_\_\_\_\_ day of March, 2023.

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**Margaret H. Downie**  
**Presiding Disciplinary Judge**

Original filed with the Disciplinary Clerk of  
the Office of the Presiding Disciplinary Judge  
of the Supreme Court of Arizona  
this \_\_\_\_\_ day of March, 2023.

Copies of the foregoing mailed/emailed  
this \_\_\_\_\_ day of March, 2023, to:

John Thomas Polk  
Polk Law Firm, PLLC  
20 East Thomas Road, Suite 2200  
Phoenix, Arizona 85012-3133  
Email: JPOLK@POLKLAWFIRM.COM  
Respondent



Copy of the foregoing emailed  
this \_\_\_\_\_ day of March, 2023, to:

James D. Lee  
Senior Bar Counsel  
State Bar of Arizona  
4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

Lawyer Regulation Records Manager  
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4201 North 24<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85016-6266  
Email: LRO@staff.azbar.org

by: \_\_\_\_\_